## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JAMES SWAIN RIEVES et al.,	)
Plaintiffs,	)
v.	) Case No. 3:18-cv-00965 ) Judge Aleta A. Trauger
TOWN OF SMYRNA, TENNESSEE	) Judge Meta M. Hauger
et al.,	)
	)
Defendants.	)

## **ORDER**

For the reasons set forth in the accompanying Memorandum, the plaintiff's Motion for Leave to File Supplemental Facts (Doc. No. 141) is **DENIED AS MOOT**, and the Motion for Summary Judgment filed by defendants Rutherford County and Rutherford County Sheriff Mike Hughes is **GRANTED**. All remaining claims against these two defendants are hereby **DISMISSED**.

As also indicated in the accompanying Memorandum, however, the court is of the opinion that this ruling "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation" and, therefore, **CERTIFIES** that the plaintiff is authorized to apply to the Sixth Circuit Court of Appeals for leave to pursue an interlocutory appeal. 28 U.S.C. § 1292(b); Fed. R. App. P. 5(a)(1).

Regardless, upon dismissal of the claims against Rutherford County and Sheriff Fitzhugh and stipulations by the plaintiff, the only claims that remain pending in this case are the plaintiff's claims against the Town of Smyrna and Smyrna Police Department Chief Kevin Arnold, in both

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his official and his individual capacity, under 42 U.S.C. § 1983 for false arrest, unlawful seizure, unlawful prosecution, and conspiracy to violate the plaintiff's constitutional rights. The case remains set for trial beginning March 7, 2023.

It is so **ORDERED**.

ALETA A. TRAUGER (

United States District Judge